
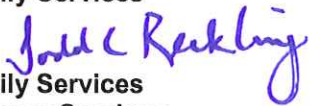


**DIVISION OF CHILDREN AND FAMILY SERVICES
ADMINISTRATIVE MEMO #8-2009**

To: Children and Family Services Specialists, Supervisors,
Administrators and Service Area Administrators

From: Edward H. Matney, Policy Section Administrator 
Division of Children and Family Services

Approved by: Todd L. Reckling, Director 
Division of Children and Family Services
Department of Health and Human Services

Date: September 15, 2009

RE: Requirements of the Federal Fostering Connections Act of 2008

Effective: Immediately
Duration: Until revised

Contact: Kathy Ewing, Program Specialist, Children and Family Services,
Policy Section at (402)471-9333 or at Kathy.ewing@nebraska.gov

Shirley Pickens-White, Program Specialist, Children and Family
Services, Policy Section at (402)471-9196 or at Shirley.pickens
white@nebraska.gov

Purpose: The purpose of this memo is to inform staff of federal requirements,
based on the Fostering Connections to Success and Increasing
Adoptions Act of 2008, and to require implementation.

Background: On October 7, 2008, the Fostering Connections to Success and Increasing Adoptions Act of 2008 (P.L. 110-351, Fostering Connections Act) was signed into law. This Act amends parts B and E of Title IVE of the Social Security Act. Its purpose is to help children and youth in foster care by promoting permanent families for them through relative guardianship and adoption and improving education and health care. The following paragraphs clarify certain actions required on the part of DHHS.

SIBLING PLACEMENT

- Current policy: 390 NAC addresses sibling placement in a number of places (for example, 6-002.02, 6-002.04, 6-004.02, 6-002.08A). In combination, these regulations require placement of siblings together unless the placement would be detrimental to one or more of them, and that written visitation plans are to be developed between siblings.
- Actions required under Fostering Connections:
In addition to existing regulations, the following actions are required:
 - When siblings are removed from their home, reasonable efforts must be made to place them in the same out of home placement, including placement for purposes of foster care, adoption, or guardianship, unless it is contrary to the safety or well-being of any of the siblings to do so.
 - If placement together is not possible, reasonable efforts must be made to facilitate visitation or ongoing contacts between siblings placed apart, unless doing so is contrary to the safety or well-being of any of the siblings.

- Efforts made to place together or to facilitate visitation or contacts, and/or the basis for a decision that doing so would be contrary to the safety or well-being of any of the siblings, must be documented in narrative on N-FOCUS.

NOTICE TO RELATIVES WHEN A CHILD IS REMOVED FROM HOME

- Current policy: 390 NAC, our Guidebooks, and Administrative Memo #1-08 Nebraska Safety Intervention System all address location of relatives; contacts with relatives for a variety of purposes, including the possibility of placement should a child be unable to remain at home; and prioritizing placement with relatives above "stranger" placements.
- Actions required under Fostering Connections: In addition to existing regulations and policies regarding relatives, the following actions are now required:
 - Within 30 days of the child's removal from home, the Department must exercise due diligence to identify and provide notice to all adult relatives of the child regarding the child's removal from home, including information about the possibility of placement with a relative, when appropriate. At a minimum, efforts must be made regarding maternal and paternal grandparents, adult siblings, aunts and uncles, and cousins. When the child is Native American, the tribe's definition of "relative" must be followed.
 - Diligent Efforts: "Diligent Efforts" include, at a minimum, asking the parent or guardian and the child, when appropriate, for information; following up on "leads" provided by collateral contacts or family members; and, if a parent's whereabouts are unknown, making a referral to the Federal Parent Locator Service. When the child falls under the Indian Child Welfare Act, diligent efforts must include providing notification to the tribe.
 - These efforts and the results of these efforts must be documented in the narrative section on N-FOCUS.

EDUCATIONAL PLACEMENT FOR CHILDREN IN OUT OF HOME CARE

- Current policy:
 - 390 NAC 7-000 requires the Department to provide continuity for a child in his or her school placement;
 - 390 NAC 7-001.02A requires the Department to provide relevant information regarding a child to various providers, including the child's school;
 - 390 NAC 11-002.02A specifies notification requirements;
 - Out of Home Placement and Payment Guidebook addresses school in several places, including:
 - Placement in a setting that provides continuity in child's school (p. 1);
 - Placement in a setting that maintains the child's ties to school (p. 7);
 - Requirement that if a child is to be placed in a school district other than the one s/he is attending, school officials should be involved before placement (p. 16); and
 - Communication with school districts to provide notice and enable sharing of information (p. 21-22).
- Actions required under Fostering Connections: In addition to existing regulations and policies regarding school placement, the following actions are now required:
 - When a child is placed in out of home care, the Department will assure that the child's educational needs are met, including coordinating with local education agencies to ensure that the child remains in the school where s/he was enrolled at the time of placement, unless remaining in that school is not in the child's best interest. If remaining in the same school is not in the child's best interest, the CFS Specialist must assure immediate enrollment in a new school with all educational records of the child provided to that new school.
 - These decisions and efforts must be documented in the narrative on N-FOCUS.

INDEPENDENT LIVING SERVICES/EDUCATION AND TRAINING VOUCHERS

- Current policy:
 - Independent Living Guidebook specifies that youth who are aging out of foster care, received guardianship status after the age of 16 or were adopted at age 16 or older or are in out-of-home placement or were formerly in out-of-home care at the time of their discharge from the State and are now 17 to 23 years of age are eligible for the Education Training Voucher Program.
 - Independent Living Guidebook requires that all youth age 16 and older have an Independent Living Plan, based on an individual assessment of their needs and strengths. This plan must include services, supports and programs outlined as goals and objectives to meet the youth needs in preparing for adulthood. This Independent Living Plan is then viewed and approved by the court in writing every 6 months during youth case reviews.
 - 390 NAC 5-004.02A requires that a case plan be developed within 60 days of the date of placement. In the plan for a ward who is 16 years of age or older, a written proposal describing programs and services designed to assist the ward in acquiring independent living skills is included.
- Actions required under Fostering Connections: In addition to existing regulations and policies regarding independent living services, the following actions are now required:
 - When a youth age 16 or older exits from care due to adoption or relative guardianship, the Department will provide independent living services and Education Training Vouchers (ETVs). Beginning with adoptions or guardianships being finalized on or after October 1, 2009, CFS staff must inform the youth and adoptive parent or relative guardians regarding eligibility for this program and provide written information on the application process.
 - During the 90-day period immediately prior to the date on which the youth turns age 19, staff must assist and support the youth in developing a transition plan that is personalized at the direction of the youth, including specific options on housing, health insurance, education, local opportunities for mentors and continuing support services, and work force supports and employment services, and is as detailed as the youth may elect.